

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

ORDER NO. R7-2003-0016

WASTE DISCHARGE REQUIREMENTS
FOR
IMPERIAL SUGAR COMPANY, OWNER
HOLLY SUGAR CORPORATION, DBA SPRECKELS SUGAR COMPANY, OPERATOR
HOLLY SUGAR CORPORATION, AND
COAL ASH TRANSPORT WATER HOLDING BASIN
Brawley – Imperial County

The California Regional Water Quality Control Board, Colorado River Basin Region finds that:

1. Imperial Sugar Company and Holly Sugar Corporation, dba Spreckels Sugar Company (hereinafter referred to as the discharger), 395 West Keystone Road, Brawley, California 92227, submitted an application on December 16, 2002 to update their Waste Discharge Requirements (WDR) for the Holly Sugar Corporation dba Spreckels Sugar Company. The WDRs are for the Holly Sugar Corporation Facility, and Coal Ash Holding Basin.
2. The discharger operates a coal-fired boiler that generates ash as spent fuel. This ash mixed with return water from the coal ash holding basin is pumped back to an earthen, unlined holding basin during operation months. In addition, sulfur dioxide (SO₂) emissions from the boiler stack are controlled using soda ash and water in a scrubber. The fly ash and sodium sulfate (Na₂SO₄) resulting from the wet scrubber operations are combined with the ash slurry for the deposition in the holding basin. The water in the holding basin is recycled continuously for reuse as ash transport water. The basin is located in the NW ¼ of Section 30, T14S, R14E, and SBB&M as shown on the attached site map.
3. Flow to the coal ash holding basin is pumped at a rate of approximately 400,000 gpd from April to September each year. About 3,000 cubic yard per year of solids is deposited in the basin. The boiler operates on a cycle of 135 days per year from April to September. The solids removed from the holding basin are sold as products (fill material, cement additive etc.). Pending sale, the solids from the holding basin are stored on-site.
4. Results of testing conducted by the discharger on representative samples of solids deposited in the holding basin have confirmed that the generated ash is non-hazardous and non-toxic according to the criteria of Article 11, Title 22, California Code of Regulations.
5. Results of monitoring conducted by the discharger and Regional Board staff indicate that the coal ash slurry has the following range of characteristics:
 - a. Total Dissolved Solids (TDS) concentration up to 24,800 mg/L
 - b. pH: 7.4 to 11.6
6. Process water is supplied to the discharger by Imperial Irrigation District via the All-American Canal.
7. The monitoring and reporting requirements in Monitoring and Reporting Program No. R7-2003-0016 are necessary to determine compliance with these WDRs and to determine the facility's impacts, if any, on receiving water.
8. There are no domestic wells within 500 feet of the coal ash holding basin described in Finding No.

2, above.

9. This discharge has been subject to WDRs adopted in Board Order 91-017.
10. This Board Order updates the WDRs to comply with the current laws and regulations as set forth in the California Water Code and the California Code of Regulations.
11. The Water Quality Control Plan for the Colorado River Basin Region of California (Basin Plan), as amended to date, designates the beneficial uses of ground and surface waters in this Region.
12. The beneficial uses of ground waters in the Imperial Hydrological Unit are:
 - a. Municipal supply (MUN)
 - b. Industrial supply (IND)

However, The Water Quality Control Plan, Colorado River Basin Region (the Basin Plan) states: "At such time as the need arises to know whether a particular aquifer which has no known existing MUN use should be considered as a source of drinking water, the Regional Board will make such a determination based on the criteria listed in the 'Sources of drinking Water Policy' in Chapter 2 of this Basin Plan. An 'X' placed under the MUN in this Table for particular hydrologic unit indicates that only that at least one of the aquifers in that unit currently supports a MUN beneficial use. For example, the actual MUN usage of the Imperial hydrologic unit is limited only to a small portion of that ground water unit". Within the Imperial Valley area of the Imperial Hydrological Unit, much of the ground water is too saline for municipal use. The existing municipal use in this Unit is practically inconsequential.

13. Deep ground water in the area is brine and potentially suitable for geothermal development.
14. The wastes (coal ash slurry) in Finding No. 2, above, are not hazardous wastes; therefore their discharge is exempt from the provisions of Chapter 15, Title 23 of the California Code of Regulations.
15. The discharger states there are no storm water discharges from this site. Therefore, a National Pollutant Discharge Elimination System (NPDES) Permit for storm water discharges is not necessary for this facility.
16. The discharger states that there are no discharges of pollutants (as defined in 33 U.S.C. Section 1362 (12)) from this site.
17. In accordance with Section 15301, Chapter 3, Title 14 of the California Code of Regulations, the issuance of these WDRs, which govern the operation of an existing facility involving negligible or no expansion of use beyond that previously existing, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.)
18. The Board has notified the discharger and all known interested agencies and persons of its intent to update WDRs for this discharge and has provided them with an opportunity for a public meeting and an opportunity to submit comments.
19. The Board, in a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, that Board Order No. 91-017 is rescinded, and in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, the discharger shall comply with the following:

A. Prohibitions

1. The direct discharge of any waste from the facility to any surface waters or surface drainage courses is prohibited.
2. Bypass, overflow, or discharge of waste is prohibited.
3. The discharge of waste to land not owned or controlled by the discharger is prohibited.
4. Discharge of waste at a location or in a manner different from that described in Finding Nos. 2 and 3, above, is prohibited.
5. The discharge shall not cause degradation of any water supply.

B. Specifications

1. The treatment or disposal of wastes from the facility shall not cause pollution or nuisance as defined in Section 13050(l) and 13050(m) of Division 7 of the California Water Code.
2. A minimum depth of freeboard of two (2) feet shall be maintained at all times in the coal ash holding basin.
3. An erosion control program should assure that small coves and irregularities are not created around the perimeter of the holding basin;

C. Provisions

1. The discharger shall comply with "Monitoring and Reporting Program No. R7-2003-0016, and future revisions thereto, as specified by the Regional Board's Executive Officer.
2. Prior to any modifications in this facility, which would result in material change in the quality or quantity of coal ash slurry, or any material change in the location of discharge, the discharger shall report all pertinent information in writing to the Regional Board and obtain revised requirements before any modifications are implemented.
3. Prior to any change in ownership or management of this operation, the discharger shall transmit a copy of this Board Order to the succeeding owner/operator, and forward a copy of the transmittal letter to the Regional Board.
4. The discharger shall ensure that all site-operating personnel associated with activities covered by this Board Order are familiar with the content of this Board Order, and shall maintain a copy of this Board Order at the site.
5. This Board Order does not authorize violation of any federal, state, or local laws or regulations.
6. The discharger shall comply with all of the conditions of this Board Order. Any noncompliance with this Board Order constitutes a violation of the Porter-Cologne Water Quality Control Act and is grounds for enforcement action.
7. The discharger shall report any noncompliance that may endanger human health or the environment. The discharger shall immediately report orally information of the noncompliance as soon as (1) the discharger has knowledge of the discharge, (2) notification is possible, and (3) notification can be provided without substantially impeding cleanup or other emergency measures, to the Regional Board office and the Office of Emergency Services. During non-business hours, the

discharger shall leave a message on the Regional Board office voice recorder. A written report shall also be provided within five (5) business days of the time the discharger becomes aware of the incident. The written report shall contain a description of the noncompliance and its cause, the period of noncompliance, the anticipated time to achieve full compliance, and the steps taken or planned, to reduce, eliminate, and prevent recurrence of the noncompliance.

8. The discharger shall allow the Regional Board, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the premises regulated by this Board Order, or the place where records must be kept under the conditions of this Board Order.
 - b. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this Board Order.
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Board Order.
 - d. Sample or monitor at reasonable times, for the purpose of assuring compliance with this Board Order or as otherwise authorized by the California Water Code, any substances or parameters at this location.
9. The discharger shall comply with the following:
 - a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - b. The discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Board Order, and records of all data used to complete the application for this Board Order, for a period of at least 5 years from the date of the sample, measurement, report or application.
 - c. Records of monitoring information shall include:
 1. The date, exact place, and time of sampling or measurements.
 2. The individual(s) who performed the sampling or measurements.
 3. The date(s) analyses were performed.
 4. The individual(s) who performed the analyses.
 5. The results of such analyses.
10. Unless otherwise approved by the Regional Board's Executive Officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. All analyses shall be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants", promulgated by the United States Environmental Protection Agency.
11. The discharger is the responsible party for the WDRs and the monitoring and reporting program for the facility. The discharger shall comply with all conditions of these WDRs. Violations may result in enforcement actions, including Regional Board Orders or court orders, requiring corrective action or imposing civil monetary liability, or in modification or revocation of these WDRs by the Regional Board.

12. The discharger shall report all instances of noncompliance. Reports of noncompliance shall be submitted with the discharger's next scheduled self-monitoring report or earlier if requested by the Regional Board's Executive Officer.
13. This Board Order does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
14. This Board Order may be modified, rescinded and reissued, for cause. The filing of a request by the discharger for a Board Order modification, rescission and reissuance, or a notification of planned changes or anticipated noncompliance does not stay any Board Order condition. Causes for modification include the promulgation of new regulations, modification of land application plans, or modification in sludge use or disposal practices, or adoption of new regulations by the State Board or the Regional Board, including revisions to the Basin Plan.
15. The Regional Board retains the right to take legal action against an industrial user and/or the discharger where a user fails to meet the approved applicable pretreatment standards.

I, Philip A. Gruenberg, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on May 7, 2003.

Executive Officer